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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,015	10/10/2003	Tsuyoshi Watabe	114216-008	3204

43793 7590 05/24/2005

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EXAMINER	
BRITTAIN, JAMES R	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,015	WATABE, TSUYOSHI	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) *3,4,8-13 and 15-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-7 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10102003; 01202004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I in the reply filed on March 1, 2005 is acknowledged.

Claims 3, 4, 8-13 and 15-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 1, 2005.

Specification

The abstract of the disclosure is objected to because it is written in non-idiomatic English. For example the passage "has a second string passage hole (23) capable of being communicated to said first string passage hole (111)" (lines 3-4) is improper because one hole is obviously not "being communicated" to the other hole. Further, legal terminology such as "said" should not be utilized in the abstract and should be removed. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Applicant utilizes "being communicated" throughout the specification to relate one hole to another hole in the same manner as identified above in the abstract. Obviously, no hole is being communicated with the other, rather the situation is that when the holes are aligned, they are in communication. This is simply a translation error in that the specification does not use proper idiomatic English. Applicant is required to review this error and others so as to provide a properly descriptive specification in idiomatic English. The replacement paragraphs submitted May 6, 2004 also contain such errors and should be similarly reviewed by applicant.

Appropriate correction is required.

Claim Objections

Claim 5 is objected to because of the following informalities: The use of the number "3" (line 8) is improper and while it appears to possibly be a reference numeral, reference numerals can only be in the claims if set off by parentheses. It is suggested that the number be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5-7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Review of claim 1 renders its scope unclear. Applicant has elected the species of figures 1-6B. This species requires two elastic leg pieces to grip a strand threaded through the third string passage hole. However, claim 1 states on lines 6-8 that "said elastic leg piece can hold a string inserted and passed through said third string passage hole with said elastic leg piece itself only, or with both said elastic leg piece and an inner surface of said socket" and explicitly indicates that the scope of the claim is limited to a single elastic leg piece "itself only" or in conjunction with "an inner surface of said socket" performing the function of holding a string. While this language is descriptive of species IV through VII of figures 12 through 17, it is not descriptive of species I of figures 1-6B because it takes two elastic legs to hold the strand in this species and the use of two elastic legs to hold the string is specifically precluded by the language

of claim 1. Review indicates claim 1 is not generic and an assertion that the language of claim 1 describes species I of figures 1-6B renders its scope completely unclear.

The passage "a second string passage hole capable of being communicated to said first string passage hole" (claim 1, lines 4-5) is misdescriptive because the second hole is not "being communicated" to the first hole. The holes can be aligned so as to be in communication with each other, but one hole is not "being communicated" to the other hole. The misdescription renders the claims indefinite.

The passages "said elastic leg piece" (claim 1, lines 6, 7 at both occurrences) and "the elastically deformed elastic leg piece" (claim 2, line 4) are of unclear scope because claim 1 indicates in line 3 that there can be more than one elastic leg piece and it is not particularly pointed out which of these multiple leg pieces is being referred to. The passages "said elastic leg pieces" (claim 2, line 2; claim 5, line 11; claim 6, lines 3, 4, 5; claim 7, line 4); "said plurality of elastic leg pieces" (claim 2, lines 5-6) and "the elastic leg pieces" (claim 5, lines 3, 6 at both occurrences, 8) are of unclear scope because claim 1 indicates in line 2 that there can be just a single elastic leg piece and it is not particularly pointed out how a single elastic leg piece can suddenly be multiple leg pieces.

Claim 14 is indefinite because it depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Holmberg (US 5924178).

Holmberg (figures 1-6) teaches a string fixing device comprising a plug 11, and a socket 10 into which the plug is inserted, wherein the plug has a plug body having a first string passage hole 16, and one elastic leg piece comprising spring 13 and slide 12 extending from the plug body; the socket has a second string passage hole 17 capable of being aligned with first string passage hole 16, and a third string passage hole 22 at right angles to the second string passage hole; and the elastic leg piece 13, 12 can hold a string inserted and passed through the third string passage hole 22 with the elastic leg piece and an inner surface of the socket defined as the edge of the hole 22 and the inner surface of the protrusion 24, each of which is not part of the outer surface of the socket. While the claim is indefinite, it is being rejected so far as understood.

Allowable Subject Matter

Claims 2, 5-7 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Since claim 1 is not generic to the elected species and the claims are rejected under 35 U.S.C. 112, second paragraph, any rejoining of withdrawn claims will be considered once the scope of the claims is clear.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Yamaguchi (US 4794673, figures 1, 5), Krauss (US 4622723, figures

5, 7) and Takahashi (US 5657513, figures 1-9; US 5666699, figures 1-7) teach pertinent cord lock structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Brittain
Primary Examiner
Art Unit 3677

JRB